

# EXHIBIT 12

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

SUVERINO FRITH et al, individually and on  
behalf of all others similarly situated,

Plaintiffs,

v.

WHOLE FOODS MARKET, INC.

Defendants.

Case No. \_\_\_\_\_

**AFFIDAVIT OF SHARIE ROBINSON IN SUPPORT OF  
PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

I, Sharie Robinson, hereby declare:

1. I have personal knowledge of the facts set forth in this declaration and could and would testify competently to them.
2. I have been working as an employee for Whole Foods for approximately one year. I am Black.
3. I work at the Whole Foods located in 121 South River Road, Bedford, New Hampshire.
4. Due to the COVID-19 pandemic, Whole Foods now requires all its employees wear a mask to work.
5. Following the death of George Floyd and demonstrations springing up across the country in support of the Black Lives Matter movement, I decided to wear a Black Lives Matter mask to work. I ironed on "I Can't Breathe" onto my mask, along with my daughter Kayla Greene, who also works at the Bedford, NH, Whole Foods location with me.

6. My daughter, Kayla Greene was disciplined for wearing her “Black Lives Matter” and “I Can’t Breathe” mask, so we decided I needed to stop wearing it in order to avoid discipline.
7. I cannot afford to be disciplined or sent home because I have a mortgage, and a car bill, and a thirteen-year old son with a medical condition, and I need my medical benefits for my son and cannot afford to lose coverage.
8. I feel discriminated against by Whole Foods for its failure to support me and my daughter as Black employees expressing that my life matters, especially in a workplace that has predominantly white co-workers and customers, and I now feel unwelcome in the workplace.
9. After Kayla and Lylah Styles, another co-worker, were sent home for wearing masks in support of Black lives Matter, the company put the statement “Racism and discrimination of any kind has no place at Whole Foods. We support the Black community and meaningful change in the world.” This felt like a slap in the face after the discipline my daughter got sent home. I feel targeted and discriminated against by Whole Foods in light of their response to the Black Lives Matter messaging we have worn to work.
10. I discussed the ban on Black Lives Matter messaging with the management and was told it was barred by the dress code policy.
11. I expected that Whole Foods would support us in wearing the Black Lives Matter masks because the company claims to be inclusive and support all of its employees and has publicly supported the movement.

12. Whole Foods claims that it is disciplining us because the Black Lives Matter masks violate the dress code policy, which prohibits employees from wearing clothing with visible slogans, messages, logos, or advertising that are not company-related.
13. However, Whole Foods has not consistently enforced this policy. At my location, I have witnessed coworkers wearing various logos, such as for local sports teams, and patterned masks. For example, I saw one coworker wear a mask with a Patriots logo and another wear a mask with a Sponge Bob image – both after Kayla has been disciplined for her “I Can’t Breathe” mask and told that it violated company dress code. Many of my co-workers still wear patterned masks (e.g. flannel).
14. I believe that Whole Foods is selectively enforcing its dress code to discipline employees for wearing Black Lives Matter masks by sending employees who wear the Black Lives Matter masks home without pay and assigning employees a disciplinary point for each time they are sent home.
15. I want to wear my Black Lives Matter mask at work to protest against Whole Foods’ discriminatory policy of selectively enforcing its dress-code. But I am scared of the discipline I will face and losing money.
16. I don’t feel welcome in my workplace now and feel like I am walking on eggshells.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 07/19/2020

*Sharie Robinson*

---

Sharie Robinson